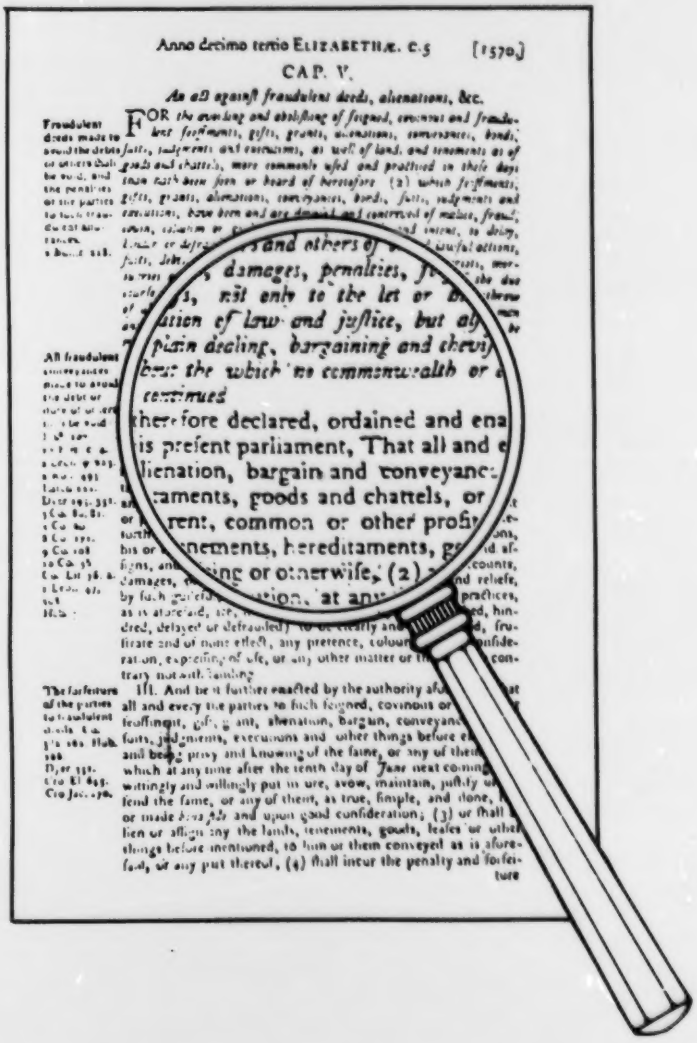
Government of Saskatchewan

Annual Report and Review 1988

Law Reform Commission of Saskatchewan


Anno decimo tertio ELIZABETHÆ. c.5 [1570]

CAP. V.

An act against fraudulent deeds, alienations, &c.

FOR *the avoiding and abolishing of feigned, covinous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels, more commonly used and practised in these days than ever heretofore have been seen or heard of heretofore* (2) *which feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, have been and are devised and contrived of malice, fraud, covin, collusion or* [illegible] *and others of* [illegible] *lawful actions, suits, debts, damages, penalties, forfeitures, recoveries, whereby not only the lawful and due debts, not only to the let or hindrance of the due execution of law and justice, but also the* [illegible] *plain dealing, bargaining and chevisance between the which no commonwealth or* [illegible] *continues*

therefore declared, ordained and enacted by this present parliament, That all and every feoffment, gift, grant, alienation, bargain and conveyance of lands, tenements, goods and chattels, or any of them, or of any rent, common or other profit [illegible] *tenements, hereditaments, goods and chattels, or any of them, by writing or otherwise,* (2) [illegible] *at any time whatsoever, to the intent and purpose to delay, hinder or defraud creditors and others of their debts, accounts, damages, penalties, forfeitures, suits, debts, recoveries, executions, or any of them, or to defeat, hinder, delay or defraud them or any of them of their lawful suits, debts, accounts, damages, penalties, forfeitures, recoveries, executions, actions, remedies or reliefs, by such ways, means, devices, practices, covins, collusions, conveyances or other misdemeanors, as is aforesaid, or to any of them, whereby or whereupon any of the said creditors, suitors, plaintiffs, debtors, accountants, executors, administrators, or assigns, may be, shall or might be in any wise molested, troubled, hindered, delayed or defrauded, to be clearly and utterly void, frustrate and of none effect, any pretence, colour, feigned consideration, expelling of use, or any other matter or thing to the contrary notwithstanding.*

III. And be it further enacted by the authority aforesaid, that all and every the parties to such feigned, covinous or fraudulent feoffment, gift, grant, alienation, bargain, conveyance, suits, judgments, executions and other things before expressed, and being privy and knowing of the same, or any of them, which at any time after the tenth day of *June* next coming, wittingly and willingly put in ure, avow, maintain, justify or defend the same, or any of them, as true, simple, and done, or made *bona fide* and upon good consideration; (3) or shall alien or assign any the lands, tenements, goods, leases or other things before mentioned, to him or them conveyed as is aforesaid, or any part thereof, (4) shall incur the penalty and forfeiture

Fraudulent deeds made to avoid the debts [illegible] or others shall be void, and the penalties of the parties to such fraudulent [illegible]

All fraudulent conveyances made to avoid the debt or [illegible]

The forfeiture of the parties to fraudulent deeds [illegible]

Saskatchewan

89-02808/

Annual Report and Review 1988

Law Reform Commission of Saskatchewan

The Law Reform Commission of Saskatchewan was established by An Act to Establish a Law Reform Commission, proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Dale G. Linn, B.A., LL.B., Chairman
Madam Justice Marjorie A. Gerwing
Mr. Gordon J. Kuski, Q.C.

Mr. Kenneth P.R. Hodges, B.A., LL.B. is Director of Research.

Mr. Michael J.W. Finley, B.A., LL.B. is Legal Research Officer. The secretary is Miss Wanda Russell. The summer student was Miss Celene Tetzlaff.

The Commission offices are located at the Sturdy-Stone Centre, 122 Third Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

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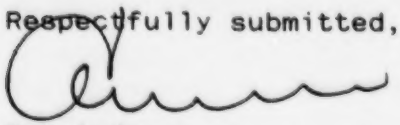
LETTERS OF TRANSMITTAL

The Honourable Sylvia Fedoruk
Lieutenant Governor
Province of Saskatchewan

Madam:

I have the honour of submitting the annual report of the Law Reform Commission of Saskatchewan for the year ending December 31, 1988.

Respectfully submitted,



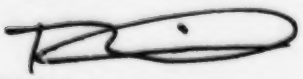
Bob Andrew
Minister of Justice
and Attorney General

The Honourable Bob Andrew
Minister of Justice
Regina, Saskatchewan

Sir:

I have the honour of submitting the annual report of the Law Reform Commission of Saskatchewan for the year ending December 31, 1988.

Respectfully submitted,



Dale G. Linn
Chairman

OBJECTIVES OF THE COMMISSION

The Law Reform Commission Act provides that:

"The commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law, and for that purpose shall:

(a) receive and consider any proposals for the reform of the law that may be made to it by the Minister of Justice;

(b) prepare and submit to the Minister of Justice from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the commission or a committee thereof or other body, carry out the examination;

(c) undertake, at the request of the Minister of Justice or pursuant to recommendations of the commission approved by the Minister of Justice, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;

(d) enter into agreements, with the approval of the Minister of Justice, with other organizations for law reform for the purposes of attaining the aims of the commission". R.S.S. 1978, c. L-8, s. 6 as amended.

The Commission's role is to review provincial law and to assess criticisms of a significant nature from the general public concerning legislation and rules of the common law.

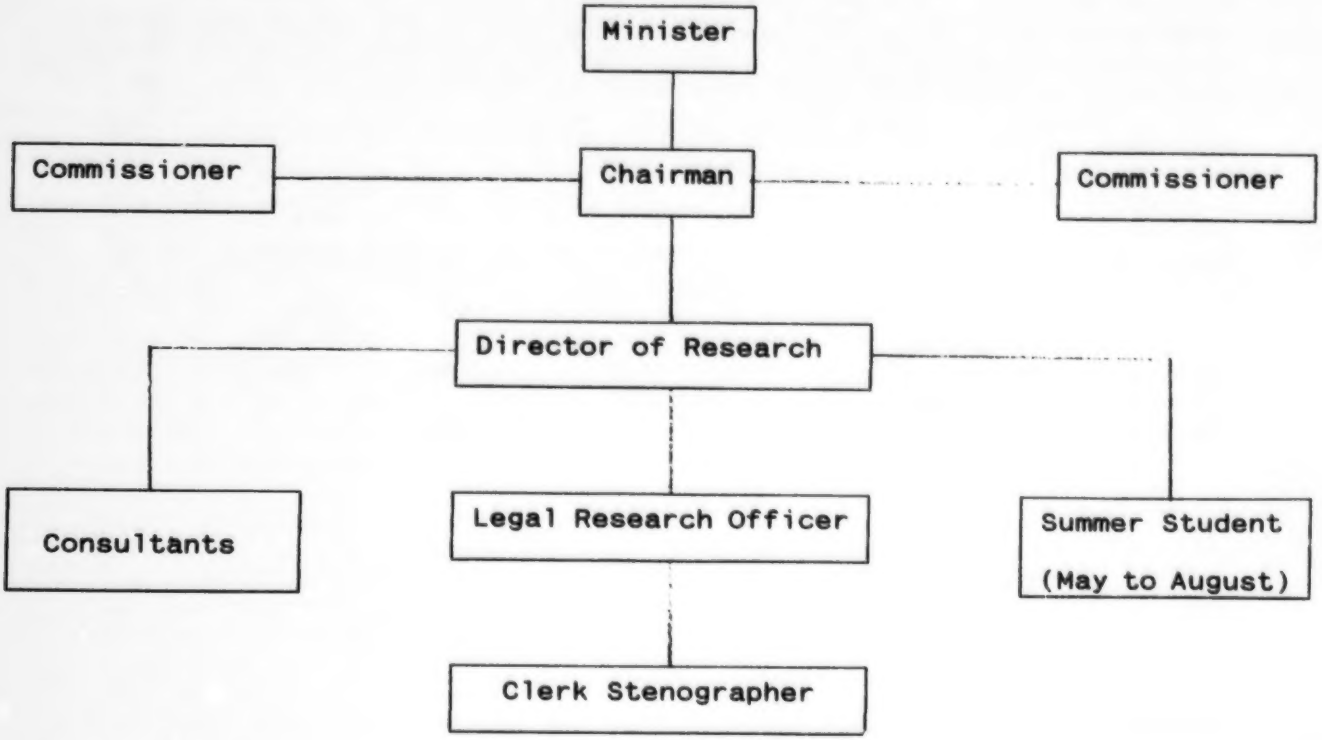
Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

All research undertaken is supervised by the Chairman and Director of Research. Much of the research is done by the Commission's full-time staff. Many projects, however, require substantial outside consultation and expertise.

Consequently, the Commission relies on the academic staff of the College of Law of the University of Saskatchewan and elsewhere for research personnel. Legal practitioners also act as consultants from time to time and give to the Commission a practical assessment of possible recommendations for legislative and procedural change.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops. The Commission's recommendations are embodied in a final report to the Minister of Justice. This report may contain general recommendations, specific legislation or drafting instructions suggesting the form of legislation which will best implement the recommendations of the final report.

ORGANIZATION CHART



DESCRIPTION OF THE PROGRAMS AND ACTIVITIES CARRIED OUT DURING 1988

The programs and activities carried out during 1988 to a large extent are a continuation of projects commenced earlier. Some of the projects are extensive in scope and involve research in a number of areas of law.

1. Family Law

The Commission, with the consent of the Minister of Justice, initiated a research project on family law in June of 1974.

In 1974 the Commission issued a background paper entitled "Family Maintenance Between Husband and Wife". Shortly thereafter a background paper entitled "Children's Maintenance" was released.

Research in the area of maintenance procedures was completed and a report dealing with maintenance enforcement was released in March, 1982. Research into the substantive law of maintenance was also completed some time ago and it is expected that tentative proposals will be issued in due course.

Papers on joint custody and illegitimacy were also completed some time ago. These papers have not, however, been approved by the Commission.

2. Consumer Credit

The study of consumer credit law and proposals for its reform are a part of the overall study of personal property security law in Saskatchewan. The Commission decided that proposals for the reform of basic chattel security law should be developed first, since the structure and terminology of a totally reformed personal property security law system would necessarily be part of the reform of consumer credit law.

Pursuant to this approach a final report entitled "Proposals for a Saskatchewan Personal Property Security Act" was issued in July, 1977. The Personal Property Security Act which stemmed from the proposals was enacted in 1980 and came into force on May 1, 1981.

The Commission published "A Handbook on the Saskatchewan Personal Property Security Act" in August, 1987. The Handbook includes a commentary on personal property security legislation and a review of Saskatchewan cases interpreting and applying it up to the middle of 1987.

The province of Alberta has enacted and it is expected that the province of British Columbia will enact Personal Property Security legislation to come into force in 1990. Proposals will be made to update the Saskatchewan Act in light of case law development and new computer technology as well as to achieve a high degree of

harmonization with the Alberta and British Columbia Acts.

A considerable amount of research has been done for A Handbook on Saskatchewan's Debtor/Creditor Law which is expected to be completed some time after Proposals on the Saskatchewan Personal Property Security Act have been released.

Work on the consumer credit project continues. The following paper was released in 1980: "Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics". A second paper entitled "Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations" was issued in May, 1981. Proposals for Reform of Consumer Credit Law will be issued early in 1989. Reports relating to farm credit and guarantees will be released later on.

Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is in charge of this project. He is being assisted by Professor Roderick J. Wood, College of Law, University of Alberta and the Commission staff.

3. Medical-Legal

The Commission completed its work in the area of human artificial insemination and released a report in March, 1987 entitled "Proposals for a Human Artificial Insemination Act".

"Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan" was released early in 1984. These proposals were based on a report by Professor Peter MacKinnon, College of Law, University of Saskatchewan. A final report was to have been issued in 1986. However, changes to the Criminal Code are under consideration by the federal authorities, and should these be enacted, the basis of the Lieutenant Governor's Review Board will have changed and the report will be reconsidered.

4. Administrative Law

Preliminary research was done on this project during the summer of 1978 on (a) Statutory Powers of Decision in the Licensing/Inspection Category of the Statutes of Saskatchewan, and (b) A Review of Benefit/Compensation Statutes.
During 1980-81, a consultant worked in the areas of administrative procedures and remedies. The project was being worked on by a member of the Commission staff but is now in abeyance.

5. English Statutes

This project involves consideration of the statute laws of England which are in force in Saskatchewan. Too often lawyers are faced with the problem of determining whether or not an ancient English

statute is or is not law in this province. The British have been pruning and tidying their statutes for almost a century and, in the interests of greater certainty, it is time for the common law provinces, including Saskatchewan, to put their own houses in order. Extensive work on this project was done in 1984, 1985 and 1986, and a draft paper was submitted to the Commission for its consideration in December, 1987. It is expected that a report will be released in 1989.

6. Limitation of Actions

This project involves major policy issues including mandatory notices of claims within specific periods of time, commencing actions within specific periods of time and the categorization of various actions to determine the appropriate limitation period.

Some years ago, one of the Commission's student researchers prepared a list of limitation periods in Saskatchewan statutes for publication in the Saskatchewan Bar Review. The researcher updated the list on his own three years later. Recently, the Commission had both lists merged and brought up to date for release by the Law Society of Saskatchewan.

A short report entitled "Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property" was released in July, 1981. A second report was released in 1986. It is expected that a final report will be released early in 1989.

7. Frustrated Contracts

Saskatchewan is one of the few provinces that does not have legislation which regulates the rights of parties in cases where a frustrating event prevents or substantially affects performance of a contract. The common law rules dealing with frustration are generally unpredictable and unfair.

The Commission decided in 1979 to undertake a study of this area of the law. A report entitled "Tentative Proposals for a Frustrated Contracts Act" was released in April, 1987. A final report entitled "Proposals for a Frustrated Contracts Act" was released in November, 1988.

8. Sale of Goods Act

Saskatchewan's sale of goods law, like that of all the other common law provinces in Canada, is based almost entirely on the English Sale of Goods Act of 1893. While some areas of sales law have been subject to special legislative measures, the general law of sales has never been revised in Saskatchewan. Veneration of nineteenth

century English sales law by Canadians has not been shared by the English. Their statute has been amended four times. It would be inaccurate to conclude that existing sales law is totally out of touch with the realities of modern commercial activity. The basic concepts of the 1893 Act remain relevant. Judicial development of sales law has been substantial over the years and generally has taken account of fundamental changes in sales practices. However, a strong case can be made for recodification and modernization of Canadian sales law.

In 1979, the Ontario Law Reform Commission released an extensive report on sale of goods law containing recommendations for extensive revision of the Ontario Sale of Goods Act. At the August meeting of the Uniform Law Conference held at Saskatoon, Saskatchewan, a motion was passed providing for the convening of a committee to examine the Ontario report and general sales law with a view to developing a Uniform Sale of Goods Act for all provinces in Canada.

In view of the fact that work in the area was to be carried out on a national level with the opportunity for co-operation among law reform agencies, the Commission decided that it should participate in the joint project under the auspices of the Uniform Law Conference.

The Uniform Law Conference Committee met regularly throughout 1980 and 1981. Professor Cuming, then Chairman of the Commission, represented the Commission at these meetings and proposed substantial amendments to the Ontario Law Reform Commission Draft Act. The Committee reported to the Uniform Law Conference in August of 1981 and its report was accepted. A draft Uniform Act is now nearing completion.

Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is the consultant on this project.

9. Products Liability

The Saskatchewan Consumer Products Warranties Act provides a regime of "strict liability" for consumer products. In other words, the Act provides recovery for loss resulting from defects in consumer products even though the supplier is not negligent in placing the product on the market. However, the Act does not apply to a situation where the product which has resulted in loss or injury is not a "consumer product" within the meaning of the Act or where the consumer product has been obtained for purposes of resale or for use in a business. In an ordinary negligence action, the nature of the proceedings, the burden of proof and the extent of

recovery would be different from what it would be if The Consumer Products Warranties Act applied. Generally, the injured person would be in a much less advantageous position than would be a person injured as a result of a defect in a consumer product.

The Canadian law of tort has been very slow to accept "strict liability" as a basis for liability in cases of defective products, although in some circumstances our law has moved toward "strict liability" as a basis for liability in cases of defective products, through the use of the doctrine of res ipsa loquitur. By contrast, courts in American jurisdictions have rejected negligence and have developed "strict liability" as a basis for compensation of persons injured by defective goods. There is little indication that Canadian courts are yet prepared to follow the American lead.

However, there is a very strong undercurrent of dissatisfaction with the existing Canadian law of negligence. Recently, the Ontario Law Reform Commission published a report on products liability which recommended a modified strict liability scheme to be implemented by legislation.

It is the conclusion of the Saskatchewan Commission that the law should be rationalized so as to ensure that the likelihood of recovery for loss resulting from defective products does not depend upon the almost fortuitous event that the product causing the injury was sold under a transaction to which The Consumer Products Warranties Act applies. Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is the consultant on this project.

10. Real Property Law

The Commission is planning a major research project on the real property law of Saskatchewan. Its scope and format have yet to be determined. It has been decided that the best way to proceed with the project is to identify a few areas of real property which are a matter of immediate concern. Two areas so identified were:

(1) the need for a Quieting of Title Act;

(2) foreclosure of mortgages and charges against land and cancellation of agreements for sale (including The Land Contracts (Actions) Act).

Some years ago the Commission engaged the services of a consultant who prepared a paper on the need for a Quieting of Title Act. The Commission came to the conclusion that, with changes in the limitation periods governing titles, there was no need for such an

Act. These changes were put forward in the Commission's report entitled, "Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property", issued as part of its Limitation of Actions Act project in July, 1981.

A paper covering security interests in land is being redrafted by the Commission staff and will be considered by the Commission in due course.

11. Land Titles Act

The Commission decided during the latter part of 1981 to undertake a fundamental review of The Land Titles Act. Particular attention will be paid to the machinery of the land titles system, the function of the registrar, the forms prescribed by the Act, the effect of registration, transfers, mortgages, leases and caveats with or without supporting documents, obsolete or what may be obsolete sections as well as the relationship of other statutes with The Land Titles Act such as The Tax Enforcement Act, The Mineral Taxation Act and The Planning and Development Act. The project is being carried on with representatives from Alberta, British Columbia, Manitoba, Ontario, the Yukon and the Northwest Territories. Some of the fundamental principles underlying the Torrens system were discussed at a meeting held in Edmonton in December of 1981, and a draft statute was considered at a second meeting in Edmonton in November of 1988. A third meeting is tentatively secheduled to take place in 1989.

12. New Home Warranties

Many Saskatchewan residents buy newly constructed houses for use as family residences. However, the sale of houses by model and the growing specialization in components such as air conditioning and heating systems have made it much more difficult for consumers to ensure that they are obtaining a building which meets certain basic standards of durability and safety. Unlike the purchaser of consumer goods, the purchaser of a new home in Saskatchewan is forced to rely substantially on common law. It is somewhat anomalous that the purchaser of a small appliance such as a toaster obtains the full protection afforded by the warranty provisions of The Consumer Products Warranties Act, whereas the purchaser of a house which has a much greater value receives no similar statutory protection and very little protection under the common law. At common law, in the absence of an express statement by the builder, implied warranties as to fitness of habitation or quality of workmanship and materials only apply if the house is not yet

completed. If it is completed, the doctrine of caveat emptor, long since abolished in the area of sale of goods, still applies.

The deficiencies in the common law were recognized in Ontario, and a New Home Warranties Act was passed in 1967. The Commission has been exploring the feasibility of a study which would lead to recommendations for legislation providing purchasers of new homes in Saskatchewan with an adequate measure of legal protection against construction and material deficiences and which would bring the law applicable to the sale and purchase of new homes more in line with that applicable to the sale and purchase of consumer goods. Although work has not begun because of a shortage of funds, the Commission has been seeking the services of a consultant for whom it may be possible to obtain a special grant.

13. Enforcement of Money Judgments

The law of Saskatchewan dealing with the enforcement of money judgments is very much in need of modernization, consolidation and rationalization. Work in this area of the law which is large and complex will be undertaken when the services of a consultant can be obtained. Thereafter special funding will be sought.

14. Property Guardianship

The Commission began a study of the law governing guardianship of the property of mentally incapacitated persons. Existing legislation is contained in several statutes such as The Mentally Disordered Persons Act, The Public Trustee Act, The Mental Health Services Act and The Trustee Act. The study is to include a detailed review of the provisions of The Mentally Disordered Persons Act which in some aspects are out of date. Work is proceeding in-house on one aspect of this project, namely Certificates of Incompetence. A report may be available in 1989.

15. Costs of Accused on Acquittal

A draft report was prepared by Professor Peter Mackinnon, College of Law, University of Saskatchewan, for the Law Reform Commission of Canada and the Law Reform Commission of Saskatchewan. It was ultimately decided that each Commission would issue separate reports. Further work was done by Mrs. Vera-Marie Wolfe for the Saskatchewan Commission and in July, 1987 a report entitled "Tentative Proposals for Compensation of Accused on Acquittal" was issued.

16. Marriage Act

Professor Ronald Fritz, College of Law, University of Saskatchewan, has prepared a report reviewing The Marriage Act. The report will be considered by the Commission in due course.

17. Exemption Clauses

Work in this area of the law will be undertaken if the services of a consultant can be obtained.

18. Living Wills

In response to a request from a member of the general public, the Commission has decided to investigate the possibility of adoption of living wills legislation. There is a concern by many people, particularly the elderly, that when they become incapacitated by disease or illness or when death is the inevitable outcome of an illness, they will be kept alive by life-sustaining procedures. The problem arises where the patient, by reason of a mental or physical disability brought on by the illness, is unable to consent to the procedures to be undertaken or to withhold such consent. The proposed solution is the legal recognition of wills that direct physicians to withhold or withdraw medical procedures.

Since the Commission began studying the matter of living wills it has become apparent that there are other avenues to be explored such as the enduring power of attorney or the Californian concept of the durable power of attorney.

19. Other Activities

On occasion, representatives of the Commission have met with or made presentations to public organizations, service groups and others, and have explained the role of law reform to students. When reports are released by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television. While law reform often is a highly technical matter, law does not operate in a vacuum and every effort is made to keep the general public fully informed of the Commission's activities. The Commission and its staff are always receptive to comments from organizations and the public at large.

Members of the Bar have been invited to suggest areas in need of reform, and have brought to the attention of the Commission many difficulties encountered in everyday practice. The Commission is attempting to involve the practising Bar to a greater degree in law reform, and has undertaken to deal with several smaller practice-oriented problems, in some instances engaging the services of the same lawyers who brought the anomalies to its attention.

In response a letter from a member of the Bar, a review of The Bulk Sales Act has been undertaken. The Commission intends to undertake a study of the law relating to structured settlements and the need for reform. It is also reviewing The Fatal Accidents Act and comparing the Saskatchewan legislation with that of the other common law provinces of Canada.

FINAL REPORT TO THE MINISTER OF JUSTICE IN 1988*

Proposals for a Frustrated Contracts Act

The Law Reform Commission has proposed the adoption of a Frustrated Contracts Act.

A contract may be "frustrated" in a variety of circumstances including a strike, illness, war and government interference. When such a circumstance occurs, the parties to the contract are not held to the terms of the contract because it would be unfair to penalize one of the parties when a problem has arisen that is unforeseen and outside of his control.

Unfortunately, the law of frustrated contracts in Saskatchewan has some serious limitations which were inherited from the common law. Ordinarily when a contract is found by the court to be frustrated each party must absorb any costs or expenses incurred up to the date of frustration and remains responsible for any payments required under the contract up to that date. On the other hand, neither party can claim any compensation in respect to any contractual obligation that was to be fulfilled after the date of frustration. As one commentator has suggested, "the doctrine is too inflexible, for it involves an all or nothing approach".

Since 1943, England and all the common law provinces and territories in Canada except Saskatchewan and Nova Scotia have adopted frustrated contracts acts which give the courts broader powers to apportion losses when frustration occurs. In 1973 the Uniform Law Conference of Canada proposed new frustrated contracts legislation based on proposals made by the British Columbia Law Reform Commission in 1971. The British Columbia proposals were welcomed throughout the British Commonwealth as a major improvement in the law. The proposals of the Law Reform Commission of Saskatchewan are based in part on those made by the British Columbia Law Reform Commission but include some important modifications suggested by reform efforts elsewhere.

The Commission's proposals regard the doctrine of frustration as a "loss allocation procedure". Under the proposed legislation, parties would ordinarily be discharged from all unfulfilled obligations that arose prior to the frustrating event except to the extent that the other party had incurred expenses or a real benefit had been obtained prior to frustration. Under the Commission's approach, expenses incurred by either of the parties would be apportioned between the parties as the court finds reasonable. The court would consider the terms of the contract, the actual dealings between the parties and then determine how the loss resulting from frustration should be shared between the parties.

*** Copies available from the office of the Law Reform Commission**

PLANS FOR THE YEAR 1989

1. Family Law

It is expected that work will continue during 1989 on the substantive law of maintenance and on the matter of joint custody.

2. Consumer Credit

Work will continue on this project particularly in the areas of farm credit and guarantees. The Commission also expects to issue a report in 1989 on The Personal Property Security Act and the significance of changes in the legislation.

3. Medical-Legal

This project continues to be monitored.

4. Administrative Law

This project is in abeyance at the present time.

5. English Statutes

A draft report has been prepared and is being considered by a number of members of the legal profession who are particularly interested in the subject matter. The report itself will be revised and it is expected will be released in 1989.

6. Limitation of Actions

It is expected that a final report will be released early in 1989.

7. Sale of Goods

This project continues to be monitored by the consultant.

8. Products Liability

This project continues to be monitored by the consultant.

9. Real Property Law

A paper on security interests in land may be available in 1988.

10. Land Titles Act

Some further work will be undertaken in 1989.

11. New Home Warranties

This project is in abeyance at the present time.

12. Enforcement of Money Judgments

This project is in abeyance at the present time.

13. Property Guardianship

It is expected that a report will be available relating to Certificates of Incompetence in 1989.

14. Costs of Accused on Acquittal

Responses to the Commission's paper entitled "Tentative Proposals for Compensation of Accused on Acquittal" will continue to be assessed.

15. Marriage Act

This project is in abeyance at the present time.

16. Exemption Clauses

This project is in abeyance at the present time.

17. Living Wills

A report on the law governing living wills may be prepared and released in 1989.

18. Other Activities

The Commission undertakes a number of smaller practice-oriented projects from time to time and recommendations are made to the Minister of Justice concerning these. It is likely that an informal report may be made in 1989 on The Bulk Sales Act.

FINANCIAL INFORMATION

Until March 31, 1988 the Law Reform Commission was financed by the Province of Saskatchewan through the Department of Justice with additional "block funding" from the Law Foundation of Saskatchewan. In November 1987 the Commission became a body corporate and its financing arrangements were changed commencing on April 1, 1988. For the fiscal year April 1, 1988 to March 31, 1989 the Commission has received a grant of $90,000 from the Province through the Department of Justice. The Department has also provided the Commission with offices, furnishings and postal facilities. The Law Foundation provided a similar grant of $90,000. In addition, the Commission received a special grant from the Law Foundation in the amount of $20,000 to cover the costs of printing reports on frustrated contracts, limitation of actions and English statutes.

The Commission is most grateful for the support provided by the Province and the Law Foundation. In addition, the Commission wishes to acknowledge its indebtedness for assistance received from officials of the Legal Aid Commission, the Department of Finance and the Provincial Auditor in setting up the books of the Commission.

PERSONNEL

The Commission

The Law Reform Commission Act provides that the Commission shall be composed of not less than three members appointed by the Lieutenant Governor in Council and that one of the members shall be designated as Chairman. Mr. Dale G. Linn, of the firm of MacDermid Lamarsh in Saskatoon, is the Chairman and Madam Justice Marjorie A. Gerwing and Mr. Gordon J. Kuski, Q.C., both of Regina, are the other Commissioners.

Mr. Linn was appointed to the Commission as Chairman in October, 1987. Madam Justice Gerwing was appointed to the Commission in 1976 and Mr. Kuski in 1982.

Previous members of the Law Reform Commission were Professor Brian A. Grosman (Chairman, 1974-78), Professor Ronald C.C. Cuming, Q.C. (Chairman, 1978-82), Dr. D.A. Schmeiser, Q.C. (Chairman, 1982-87), Mr. Justice E.D. Bayda (Commissioner, 1974-76) (now Chief Justice for the Province of Saskatchewan) and Mr. George J.D. Taylor, Q.C. (Commissioner, 1974-82).

The Staff

Mr. Kenneth P.R. Hodges is the Director of Research having joined the Commission in October of 1976. The Legal Research Officer is Mr. Michael J. Finley. He joined the Commission in March of 1977.

The Commission also retains the services of a number of people as part-time consultants. The Commission is pleased to be able to rely on these outside consultants and is obliged to them for their ongoing efforts which have helped to maintain a healthy level of law reform activity within the province.

THE DEPARTMENT OF JUSTICE

During 1988, the Commission developed a much closer working relationship with the Department of Justice. Members of the staff met with officials of the Department on a number of occasions regarding the proposed Dependent Adults Act as well as proposed amendments to the Wills Act. It is expected that the staff will provide assistance to the Department in the area of exemptions, foreclosure and other matters which may arise from time to time. In addition, the Director of Research works with officials of the Department on Uniform Law projects such as Defamation and Privacy.

OTHER LAW REFORM ORGANIZATIONS

The Commission has. during the course of the year, continued to develop good liaison with other law reform agencies both in and outside Canada. This exchange of information is essential to the functioning of the Law Reform Commission of Saskatchewan. Such close liaison minimizes the replication of research and makes available to this Commission research papers, reports and proposals which can be adapted to the Saskatchewan legal environment without incurring the financial burden necessitated by initiating original legal research in each area undertaken. The Saskatchewan Commission has gained substantially from the research completed by other commissions in areas of mutual interest.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Chairman, the Director of Research and other members of the staff attended various meetings and conferences during the year. The Chairman attended the mid-winter meeting of the Saskatchewan Branch of the Canadian Bar Association, in Regina, Saskatchewan, the annual meeting of the Canadian Bar Association in Montreal, Quebec and the annual meeting of the Law Society of Saskatchewan in North Battleford, Saskatchewan. The Chairman also attended with the Director of Research, the annual meeting of the Law Reform Conference of Canada in Toronto, Ontario. The Director of Research is a delegate to the Uniform Law Conference of Canada and attended the annual conference in Toronto, Ontario in August.

PUBLICATIONS*

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
** 4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
** 8. Second Annual Report 1975.
** 9. Tentative Proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
**12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
**14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
**15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.

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* All the Commission's publications are free of charge with the exception of No. 68, A Handbook on the Saskatchewan Personal Property Security Act, August, 1987, which is available at a cost of **$15.00** per copy.

** Out of Print

22. Proposals for Reform of The Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
24. Proposals for a Consent of Minors to Health Care Act, February 1980.

25. Sixth Annual Report 1979.
26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
27. Tentative Proposals for a Definition of Death Act, June 1980.
28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
29. Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics, August 1980.
30. Proposals for an Occupiers' Liability Act, October 1980.
31. Proposals for a Definition of Death Act, December 1980.
32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
33. Tentative Proposals for Defences to Provincial Offences, February 1981.
34. Yearly Review 1980.
35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
**42. Yearly Review 1981.
43. Proposals for an Equality of Status of Married Persons Act, May 1982.
44. Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1983.
45. Yearly Review 1982.
*46. Proposals Relating to Guest Passenger Legislation, August 1983.

** Out of Print

47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
48. Yearly Review 1983.
49. Tentative Proposals for Reform of The Matrimonial Property Act, September 1984.
50. Proposals for a New Coroners Act, September, 1984.
51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
52. Proposals Relating to Ademption by Equitable Conversion, October 1984.
53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
55. Proposals Relating to Joint Obligations, June 1985.
56. Yearly Review 1984.
57. Proposals for a Compulsory Mental Health Care Act, March 1985.
58. Proposals for a Survival of Actions Act, May 1985.
59. Proposals Relating to Matrimonial Property Legislation, December 1985.
60. Yearly Review 1985.
61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
62. Proposals for Defences to Provincial Offences, December 1986.
63. Yearly Review 1986.
64. Proposals for a Human Artificial Insemination Act, March, 1987.
65. Tentative Proposals for a Frustrated Contracts Act, April, 1987.
66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
67. Tentative Proposals for Compensation of Accused on Acquittal, July, 1987.
68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.
69. Annual Report and Review 1987
70. Proposals for a Frustrated Contracts Act, November, 1987.